

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

RICHARD MEYER,
Plaintiff,

v.

MARK WAID,
Defendant.

§
§
§
§
§
§
§

CASE NO.: 1:18-CV-00800-LY

(Jury Demanded)

NOTICE OF FILING PROPOSED AGREED SCHEDULING ORDER

Plaintiff Richard Meyer (“Meyer”) files this Notice of Filing Proposed Agreed Scheduling Order.

1. Pursuant to this Court’s order dated July 24, 2019, the parties have conferred and have agreed to the proposed scheduling order attached as Exhibit A.

CERTIFICATE OF CONFERENCE AND PRAYER

2. Counsel for Meyer and Waid conferred regarding the proposed scheduling order. Waid’s counsel confirmed that Defendant consents to the proposed dates, subject to and without waiver of Waid’s challenge to personal jurisdiction.

WHEREFORE, Plaintiff Richard Meyer respectfully submits the Agreed Scheduling Order attached as Exhibit A.

Respectfully submitted,

FRITZ, BYRNE, HEAD & GILSTRAP, PLLC
221 West Sixth Street, Suite 960
Austin, Texas 78701
Telephone: (512) 476-2020
Telecopy: (512) 477-5267

BY: /s/ Dale L. Roberts
Daniel H. Byrne
State Bar No. 03565600
Email: dbyrne@fbhg.law
Dale L. Roberts
State Bar No. 24001123
Email: droberts@fbhg.law

ATTORNEYS FOR PLAINTIFF RICHARD MEYER

CERTIFICATE OF SERVICE

I certify that this document was served on the counsel of record listed below using the Court's ECF system on August 23, 2019:

Beverly Reeves
breeves@reevesbrightwell.com
Ryan Pierce
rpierce@reevesbrightwell.com
Reeves & Brightwell, LLP
221 West Sixth Street, Suite 1000
Austin, Texas

Mark S. Zaid
mark@markzaid.com
Mark S. Zaid, P.C.
1250 Connecticut Avenue, Northwest, Suite 700
Washington, D.C. 20036

/s/ Dale L. Roberts

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

RICHARD MEYER,
Plaintiff,

v.

MARK WAID,
Defendant.

§
§
§
§
§
§
§

CASE NO.: 1:18-CV-00800-LY

(Jury Demanded)

SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following scheduling order.

IT IS ORDERED THAT:

1. The parties shall file all amended or supplemental pleadings and shall join additional parties on or before **March 6, 2020**.

2. All parties asserting claims for relief shall file and serve on all other parties their designation of potential witnesses, testifying experts, and proposed exhibits, and shall serve on all other parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before **May 15, 2020**. Parties resisting claims for relief shall file and serve on all other parties their designations of potential witnesses, testifying experts, and proposed exhibits, and shall serve on all other parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before **June 15, 2020**. All designations of rebuttal experts shall be filed and served on all other parties not later than 14 days of receipt of the report of the opposing expert, and the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) for such rebuttal experts, to the extent not already served, shall be served, but not filed, on all other parties not later than 14 days of receipt of the report of the opposing expert.

3. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before **January 10, 2020**, and each opposing party shall respond, in

writing, on or before **January 24, 2020**. All offers of settlement are to be private, not filed, and the Court is not to be advised of the same. The parties are further ORDERED to retain the written offers of settlement and responses as the Court will use these in assessing attorney's fees and court costs at the conclusion of trial.

4. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed on or before **February 14, 2020**.

5. Any objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, not later than 14 days of receipt of the written report of the expert's proposed testimony or not later than 14 days of the expert's deposition, if a deposition is taken, whichever is later. **The failure to strictly comply with this paragraph will be deemed a waiver of any objection that could have been made pursuant to Federal Rule of Evidence 702.**

6. The parties shall complete discovery on or before **August 28, 2020**. Counsel may, by agreement, continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions shall be filed and served on all other parties on or before **September 28, 2020** and shall be limited to 20 pages. Responses shall be filed and served on all other parties not later than 14 days after the service of the motion and shall be limited to 20 pages. Any replies shall be filed and served on all other parties not later than 14 days after the service of the response and shall be limited to 10 pages, but the Court need not wait for the reply before ruling on the motion.

The parties shall not complete the following paragraph 8. It will be completed by the Court at the initial pretrial conference to be scheduled by the Court.

8. This case is set for final pretrial conference, in chambers, on the _____ day of _____, 20____, at _____ and for trial in the month of _____, 20____. The final pretrial conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of the final pretrial conference.

SIGNED this _____ day of _____, 20____.

LEE YEAKEL

UNITED STATES DISTRICT JUDGE

AGREED SUBJECT TO AND WITHOUT WAIVER OF DEFENDANT'S
CHALLENGE TO PERSONAL JURISDICTION :

/s/ Dale L. Roberts

Signature

ATTORNEY FOR PLAINTIFF

/s/ Ryan Pierce

Signature

ATTORNEY FOR DEFENDANT